

REMARKS

Claims 1-41 and 43-47 are pending. Claims 7, 9, 11, and 18 - 42 are currently canceled. Claims 1, 43, 44, and 45 are currently amended.

Reconsideration of the application is requested.

Support for the amendments is found in FIG. 3 and paragraphs 51 and 52 of the application.

Applicants wish to thank Examiner Koharski for his willingness to discuss the claims in view of the cited art in a telephone interview on September 10, 2008 with Applicants' representative, Scott Bardell. The interview concerned a general discussion on possible allowable subject matter.

Rejections Under 35 USC § 112

Claims 7, 11, and 46 are rejected under 35 USC § 112, second paragraph as being indefinite. Specifically, the Examiner asserts that the listed dependent claims are defining a new electrical stimulus in addition to the already claimed stimulus in claim 1.

Applicants have cancelled claims 7 and 11. Applicants respectfully disagree with the Examiner that claim 46 defines a new electrical stimulus since the claims further defines ports in the probe. For these reasons, Applicants respectfully request that the above rejection be withdrawn.

Rejections Under 35 USC § 102

Claims 1-8, 10-13, 15, 17, 42-44, and 47 are rejected under 35 USC § 102 (b) as being anticipated by Abele et al. (US 5,403,311).

Applicants have amended independent claims 1, 43, 44, and 45 to recite that the electrode is located on the catheter body at a distal end of the catheter body. Abele et al. disclose multiple electrodes as part of a rounded end portion and an extendable needle tip electrode. For at least this reason, Abele et al. do not anticipate the invention as now claimed. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Rejections Under 35 USC § 103

Claim 13 is rejected under 35 USC§103(a) as being unpatentable over Abele et al. in view of Mulier (US 5,807, 395).

Abele et al. has been discussed above. Mulier does not address the deficiencies of Abele et al. in view of the invention as now claimed. Accordingly, for at least this reason, Applicants respectfully request that the above rejection be withdrawn.

Claims 16 and 45 are rejected under 35 USC§103(a) as being unpatentable over Abele et al. in view of Epstein et al. (US 6,835,193).

Abele et al. has been discussed above. Epstein et al. do not address the deficiencies of Abele et al. in view of the invention as now claimed. Accordingly, for at least this reason, Applicants respectfully request that the above rejection be withdrawn.

Claim 46 is rejected under 35 USC§103(a) as being unpatentable over Abele et al. in view of Moorehead et al. (US 5,147,332).

Abele et al. has been discussed above. Epstein et al. do not address the deficiencies of Abele et al. in view of the invention as now claimed. Accordingly, for at least this reason, Applicants respectfully request that the above rejection be withdrawn.

Abele et al. has been discussed above. Moorehead et al. do not address the deficiencies of Abele et al. in view of the invention as now claimed. Accordingly, for at least this reason, Applicants respectfully request that the above rejection be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application as amended is requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

Date: September 18, 2008

/ Scott A. Bardell/
Scott A. Bardell, Reg. No. 39,594
Telephone: (763) 526-1640
Customer No. 27581